

U.S. Application No. 10/601,231
Response to Office Action dated September 10, 2007
Office Action of March 8, 2007

REMARKS

Claims 1-54 remain pending in this application. Claims 25, 29, 38, and 39 are now canceled. Claim 55-57 are new to this application. Reconsideration of the pending claims in view of the remarks presented below is respectfully requested.

The claimed invention is directed to acidified starch products having reduced acid flavors. The acidified starch products include a food grade acid and a high intensity sweetener. The high intensity sweeteners are used in amounts effective for masking the objectionable flavors of the food grade acid but without providing a sweet flavor to the product. The use of the high-intensity sweetener allows sufficient quantity of food grade acid to be added to the starch product to provide microbiological stability but without objectionable acid flavor.

Claim Rejections – 35 U.S.C. § 103(a)

Claims 1-54 have been rejected as unpatentable over Howard et al. (U.S. Patent No. 5,332,587) in view of Denhartog et al. (U.S. Patent No. 5,747,091).

Howard et al. is directed to acid-stabilized pasta prepared with polymeric food acceptable acids. Howard et al. teaches that, in contrast to conventional food acids such as low molecular weight inorganic or organic acids, polymeric food acceptable acids do not impart acidic or other undesirable "off" flavors to the pasta. Howard et al. does not teach or suggest the use of a high intensity sweetener as a way to mask the acidic taste or "off" flavors associated with conventional food acids. Instead, Howard et al. seeks to avoid the problem of acidic taste and off flavors by using polymeric food acceptable acids instead of conventional food acids. Therefore, Howard et al. provides no teaching, suggestion, or motivation to mask the acidic tastes and off flavors of conventional food acids with high intensity sweeteners. Howard et al. has no acidic flavors to mask.

Howard et al. discloses incorporating the acid in pasta dough or soaking or cooking the dough in an aqueous solution containing a food acceptable acid. The references, alone or in combination, do not describe or suggest contacting a cooked starch with a blend of food grade acid and high-intensity sweetener.

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Denhartog et al. is directed to sweetened extruded food products (such as breakfast cereals and snack foods) based on vegetable material. Denhartog et al. seeks to reduce sugar content of food products by replacing some or all of the sugar with sucralose. Denhartog et al. does not teach or suggest using high intensity sweeteners to mask unwanted flavors. Instead, Denhartog et al. uses high intensity sweeteners to provide a sweetened product. While Denhartog et al. teaches that the sucralose content of the extruded food products is 0.01–0.2% by weight, this quantity of sucralose is the amount required to provide sweetness similar to that of sucrose. Moreover, Denhartog et al. does not teach or suggest an amount of high intensity sweetener sufficient to mask unwanted flavors, nor does Denhartog et al. teach or suggest using sucralose at a range of 0.001 to 0.005 weight percent for any purpose.

The Examiner states that Denhartog et al. teaches that the amount of sweetener may vary depending upon the desired level of sweetness and, therefore, it would have not involved inventive step to increase or decrease the amount of sweetener to the claimed ranges. The Examiner is improperly using hindsight to combine the cited references. Moreover, Denhartog et al. does not teach or suggest a quantity of high intensity sweetener that is sufficient for masking acidic tastes caused by food grade acids but that also does not result in a fully sweetened product.

One of ordinary skill in the art would not be motivated to combine a reference directed to using polymeric food acceptable acids that do not impart acidic flavor with a reference directed to sweetened cereals and snack foods where the sweetener is used as a sugar replacement and is used to sweeten a product.

The Commissioner is hereby authorized to charge any additional fees which may be required in this application to Deposit Account No. 06-1135.

Respectfully submitted,
Fitch, Even, Tabin & Flannery



James P. Krueger
Registration No. 35,234

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Fitch, Even, Tabin & Flannery
120 S. LaSalle Street, Suite 1600
Chicago, IL 60603
Telephone: (312) 577-7000
Facsimile: (312) 577-7007
484407